

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                     |   |                               |
|-------------------------------------|---|-------------------------------|
| <b>KELLYSTEEN RUFFIN,</b>           | : | <b>MISC. NO. 1:07-MC-0202</b> |
|                                     | : |                               |
| <b>Plaintiff</b>                    | : | <b>(Judge Conner)</b>         |
| <b>v.</b>                           | : |                               |
|                                     | : |                               |
| <b>CAPITAL RECOVERY ASSOCIATES,</b> | : |                               |
| <b>INC.,</b>                        | : |                               |
|                                     | : |                               |
| <b>Defendant</b>                    | : |                               |

**ORDER**

AND NOW, this 18th day of December, 2007, upon consideration of plaintiff's motion (Doc. 7) for order of contempt and other sanctions against Capital Recovery Agency, Inc.<sup>1</sup> ("CRA") pursuant to Rule 37 of the Federal Rules of Civil Procedure<sup>2</sup> for CRA's failure to comply with the orders of court dated October 5 and 29, 2007 (Docs. 4, 6), in which the court directed CRA to comply with plaintiff's notice of deposition duces tecum and provide a suitable corporate designee and to pay reasonable attorney's fees of \$405.00 and reasonable costs of \$158.66, and it appearing that CRA has not filed a brief in opposition as of the date of this order, see L.R. 7.6, and that CRA has failed to appear for the scheduled deposition and to pay the awarded attorney's fees and costs, and the court finding that the new fees

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<sup>1</sup> Plaintiff acknowledges that Capital Recovery Agency, Inc. is not the named defendant in the above-captioned case, but avers that it was created by principals of defendant as a vehicle to transfer all assets of defendant and argues that it and defendant should be considered as one for purposes of enforcement of the judgment against defendant. (See Doc. 2 at 2 n.1.)

<sup>2</sup> Plaintiff seeks \$970 in attorney's fees and \$140 in costs as the additional fees and costs incurred as a result of CRA's failure to comply with prior orders of court.

requested are reasonable in light of counsel's experience and the nature of the services counsel provided to plaintiff in this case, see In re Rite Aid Corp. Sec. Litig., 396 F.3d 294, 301-02, 305 (3d Cir. 2005); see also Interfaith Cmty. Org. v. Honeywell, 426 F.3d 694, 708 (3d Cir. 2005), and that the new costs requested are reasonable, it is hereby ORDERED that the motion (Doc. 7) for order of contempt and other sanctions is GRANTED as follows:

1. Capital Recovery Agency, Inc. shall comply with the notice of deposition duces tecum served upon it by plaintiff and shall provide a suitable corporate designee or designees, with the requested documents, for deposition at the office of plaintiff's attorney, at a date and time set by plaintiff's attorney.
2. Capital Recovery Agency, Inc. shall pay to plaintiff reasonable attorney's fees in the amount of \$970.00 and reasonable costs in the amount of \$140.00. These amounts are *in addition to* the amounts already owed pursuant to the order of court dated October 29, 2007 (Doc. 6).
3. Failure to comply with this order shall result in Capital Recovery Agency, Inc. being held in contempt. See 18 U.S.C. § 401(3).
4. On or before December 28, 2007, plaintiff shall cause to be served upon Capital Recovery Agency, Inc. and defendant a copy of this order and file proof thereof with the court.<sup>3</sup>

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>3</sup> The court notes that plaintiff already served a copy of the motion (Doc. 7) upon Capital Recovery Agency, Inc. and defendant.